City Council of Peachtree City
Minutes of Meeting
September 3, 2009
7:00 p.m.

Mayor Logsdon called the meeting to order at 7:00 p.m. Council Members present: Steve Boone, Cyndi Plunkett, and Doug Sturbaum. Council Post 1 was vacated when Council Member Don Haddix qualified to run for Mayor.

Announcements, Awards and Special Recognition

Mayor Logsdon recognized Major Mike Dupree of the Police Department for 25 years of service. Boy Scout Troop 181 was recognized for its donation of walking sticks to the Citizen Emergency Response Team (CERT) search and rescue program and for building a picnic table and service cart for the Police Department. Boy Scout Erik Schlappi, who organized the donation, was recognized for attaining the rank of Eagle Scout. September 17-23 was proclaimed Constitution Week in the City. Members of the Daniel Newnan Chapter of the Daughters of the American Revolution (DAR) accepted the proclamation.

Public Comment

Candice Serafin addressed Council regarding solid waste franchises, expressing concern over the number of garbage trucks on the City's roads. She understood a decision had already been made on using one company City-wide. She asked Council to not consider one particular company when their agreement came up for renewal. City Manager Bernard McMullen explained that the City had entered into non-exclusive franchise agreement with the garbage companies, which ensured that the companies met certain standards, such as insurance coverage, and requirements in the City's solid waste ordinance. Serafin understood she could change her service. She wanted Council to know there were issues with some of the companies.

Agenda Changes

There were no changes to the agenda.

Minutes

There were no minutes listed for approval.

Monthly Reports

There were no comments on the Monthly Reports.

Consent Agenda

Consider Appointment of Development Authority Members – Sherri Smith Brown, Donna O'Kelly (Alternate)

Consider Acceptance of GEMA FY2006 Homeland Security Grant

Consider Sanitation Franchise Agreement – ANS Sanitation

Plunkett moved to approve the Consent Agenda. Sturbaum seconded. The motion carried unanimously.

Old Agenda Items

Sturbaum moved to hear Agenda Items 08-09-01 and 08-09-02 simultaneously. Boone seconded. The motion carried unanimously.

08-09-01 Public Hearing – Ordinance Amendment – Development Impact Fees, including Revision to Fee Schedule

08-09-02 Public Hearing – Consider Amendment to Capital Improvement Element (CIE)

Logsdon noted there were additional items on the dais – copies of the proposed impact fee schedule at 100% of the maximum allowable, 75% of the maximum allowable, and 50% of the maximum allowable.

Interim Community Services Director/City Planner David Rast addressed Council, pointing out that he would begin with the Capital Improvement Element (CIE) amendment, which should be considered prior to the ordinance amendment for the development impact fees (a copy of Rast's PowerPoint presentation is included in the official meeting file).

Rast continued that the CIE complied with the Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA) standards. He explained that CIE projects were needed to support the City's growth over the next 20 years. The CIE established where and when the certain capital facilities would be provided and how those projects would be funded through the impact fee program, including identification of service areas, a projection of needs, designated level of service, a schedule of improvements, and a description of funding sources. The impact fee ordinance was the funding mechanism for the CIE.

Rast then gave a brief overview of the City's impact fee ordinance, which was initially adopted in 1992. The ordinance had been amended and updated through the years as the City developed, but the fees had not been updated to account for inflation. The current ordinance identified nine service areas in the City and assessed fees for residential development only. Rast was unsure why the ordinance had never included commercial, office, or industrial development.

Rast showed an analysis of the impact fees in today's dollars if the fees had been updated to account for inflation. He noted that four of the current service areas had residential lots that were undeveloped, including the recently-annexed West Village service area. The average impact fee within each of those service areas for lots to be developed, based on the current fees, equated to $2,372.25, or 68% of the maximum fee permitted. If the rate of inflation were factored in, then the impact fee would increase to $2,974.56 per lot, or 86% of the maximum fee permitted.

Staff recommendations included establishing and basing impact fees for new development on a single City-wide service area; including impact fees for new residential, retail, office, and industrial development; and adopting an impact fee schedule with the maximum impact fee possible that could be assessed under state law. Rast said that, should Council choose not to assess the maximum allowable fee, the difference in the cost of the capital projects would have to be made up from the General Fund, which could result in a millage rate increase.

The public hearing opened.

Beth Pullias noted that she had attended most of the Impact Fee Advisory Committee meetings, and she supported an increase in the impact fees. She asked if it would be possible for a developer to request a lower fee. City Attorney Ted Meeker said that a developer would have to pay 100% of the impact fee that was adopted. Any reduction in the fees typically related to projects that involved job growth. Bill Ross of Ross and Associations, the City's consultant, added that the state provided for individual assessment. Pullias suggested that Council consider adopting 75% of the maximum allowable fee, then increasing it to 100% in two years or so as the economy improved.

Scott Bradshaw of the Home Builders Association of Midwest Georgia said the builders were opposed to the proposed increase in the impact fees. He noted that the program being presented was the same program embedded in what appeared to be an obscure report (the methodology report) that had been sent to the ARC and DCA; however, he appreciated that Council had gone through the process, publicized the proposed changes, and held public hearings. The process had taken approximately 10 months.

The public hearing closed.

Sturbaum commented that new development had an impact on roads. He asked Ross to clarify why roads were not included in the proposed impact fees. Ross said he had understood that the City had no active road projects that could be funded by impact fees. The CIE, ordinance, and fee structure could be amended later to add roads, but the City must demonstrate what the fees were for.

Plunkett asked if impact fees could be used to extend MacDuff Parkway, even though most of it would be paid for. Meeker said the developers were to complete that road. McMullen said that, per the development agreement, the developers were also responsible for the landscaping on MacDuff Parkway. Logsdon clarified that the impact fees in Wilksmoor Village would be significantly higher if the extension of MacDuff Parkway had been included in the impact fees, approximately $10,000 or more, since a bridge over the railroad was required. McMullen agreed that the fees would have been significantly higher. If the developers were not building the road, impacts fees could be used.

Boone asked Bradshaw what had not been approved by the advisory committee. Bradshaw said a fee schedule based on inflation since the inception, which was not too different from the proposed fees. The Home Builders Association also asked that the City not abandon the nine service areas. Those were just two of their suggestions.

Plunkett noted that the state was forming a committee to look at impact fees and asked Ross what that group might be looking at. Ross said he did not know, but said it was unlikely the state would close the door on impact fees since approximately 60 counties and as many cities had impact fees. Several areas fell under impact fee law, including water and sewer. The group might look at adding schools as a category to collect impact fees to build schools.

Sturbaum said that the City had to do something. It was 17 years behind on just inflation, but he felt 100% was too much. Boone said he did not have a problem with approving an increase at

75% of the maximum allowable now, then increasing the fees to 100% later. Meeker reiterated that Council could amend the ordinance at any time by using the same process. Ross clarified that amendments did not always have to go through the DCA. The City could change the fees by following its own ordinances. He said Council could adopt a percentage of the maximum allowable, then direct staff to come back at a certain date. If anything was added to or changed in the CIE, then the CIE would have to go back to the DCA and ARC for review and approval. The City turned in CIE updates each year, so the process need not be as long as this one, which included significant proposed changes.

Plunkett asked what projects could receive an individual assessment. Ross said they were not done very often and were usually based on something on-site, coming up more often on water and sewer. He noted that the KIA plant in Troup County had an on-site fire department, so it did not need the same level of fire protection.

Sturbaum moved to approve the amendment to the CIE. Boone seconded. The motion carried unanimously.

Plunkett moved to approve the amendments to the Impact Fee Ordinance and fee structure at 60% of the maximum allowable level. There was no second. Plunkett withdrew her motion.

Sturbaum moved to approve the amendment to the Impact Fee Ordinance and fee schedule at 75% of the maximum allowable and to review the fees in one year. Boone seconded. The motion carried unanimously.

08-09-14 Public Hearing – Consider Amendments to LUR-7 Zoning

Rast said this was a housekeeping issue. The property for Cardiff Park, a 28-lot cluster subdivision adjacent to Planterra Ridge, had been rezoned to LUR-7 in 1998. After construction began, it was discovered that the decks on 20 homes in the subdivision encroached into the rear building setback. The City received four variance applications, and Council directed staff to look at the LUR-7 zoning to see if something could be done to permit the decks for those lots. In 2003, staff brought an amendment to the zoning to City Council that was approved with changes that were incorrectly phrased in the revised ordinance amendment. Staff realized this error when a variance request came in a few weeks ago. After researching the minutes, staff came up with language to rectify and clarify the situation. He noted that Lots 6–23 were impacted by the setback, and the proposed amendments should clean up the setback violations. There was language in the proposed amendment that would require anyone who wanted to enclose their deck to request a variance.

The public hearing opened. No one spoke. The public hearing closed.

Boone moved to approve the amendments to the LUR-7 zoning clarifying the conditions of the zoning for Cardiff Park. Sturbaum seconded. The motion carried unanimously.

08-09-21 Consider Adoption of FY 2010 Budget Resolution

Financial Services Director Paul Salvatore said the proposed FY 2010 budget had been adjusted to reflect the 5.533 millage rate (no increase) adopted by Council on August 27. Plunkett noted that there had been some good news – the latest Local Option Sales Tax (LOST) receipts had been above projections. Salvatore said it had been close to projections.

Plunkett moved to approve the FY 2010 budget resolution. Sturbaum seconded. The motion carried unanimously.

New Agenda Items

09-09-01 Presentation by DAPC – Braelinn Village Shopping Center Renovation, Study of City's Village Retail Areas (Collaboration with GA Tech)

Logsdon noted there was an additional item on the dais – the resume for Richard Dagenhart of Georgia Tech. Mark Hollums, Development Authority of Peachtree City (DAPC) chairman, addressed Council. He noted that Braelinn Village opened in 1989 and was the largest commercial center in the City with 225,872 square feet. The original and current anchor tenants were K-mart and Kroger. At last count, there were 14 empty bays, with the rumor that two more were on the way.

The center was owned by ASB Real Estate Investments, a union pension fund, and it was managed by the Shopping Center Group. Wilkerson Construction was the contractor for the renovation, which began at the end of August and was expected to take nine months. Safety precautions included fencing around the front façade, safety barriers, and traffic redirection in the parking lot. The renovation started at K-mart, working towards El Ranchero.

The renovation goals included turning the center into an upscale, stylish lifestyle center with the use of new building facades, faux brick sidewalks, floor to ceiling glass storefronts, curbside parking, parking lot reconfiguration, new landscaping, and new signage. All stores would remain open during the renovation, with business disruption kept to a minimum. Construction and tenant identification signage would be installed. Marketing and promotions would be ongoing through construction, and there would be a construction delay around K-mart and Kroger during Christmas, but there would not be any Halloween activities due to the construction. Joint landlord/tenant marketing efforts were encouraged, as was better tenant/landlord/City communication.

Hollums continued that a Braelinn Business Owners Association had formed that would hold monthly meetings to update tenants on the renovation, get feedback on various issues, encourage joint marking efforts, encourage landlord/City/tenant communication, keep the press engaged, and promote the "Find It in Fayette" program sponsored by the Fayette County Chamber of Commerce. The group was working with the Fayette County Chamber of Commerce, Service Core of Retired Executives (SCORE), and Enriching and Nurturing the Community by Offering Resources and Experience (ENCORE Fayette) groups on the formation of a self-sustaining group of tenants. Hollums noted that many of the smaller businesses did not have e-mail addresses.

Potential programs included village identification – a new village entrance sign, re-imaging the Braelinn Village retail center, a street banner program for Crosstown Drive, restriping and addition of pedestrian crosswalks on Crosstown Drive, special event signage, and developing an "overlay" district for the village retail area.

Rast briefed Council on the Community Development Department's ideas, including an update on village identification, village identification signage, wayfinding (directional) signage, a proposed street banner program, and potential special event signage. He said this information had been presented to the Braelinn business owners and the shopping center manager, and they had been enthusiastic. Rast added that staff was researching the costs for the program. Staff was also looking at improving the Crosstown Drive/Peachtree Parkway intersection and the traffic flow along Crosstown Drive to SR 74. He noted that Elizabeth Morris, the Georgia Tech intern shared by the DAPC and Community Development this summer, had done much of the preliminary work that would be used in the Georgia Tech study.

Rast gave an update on the Planning Department's activities and initiatives, including updating the zoning ordinances for each district, identifying specific uses permitted within each zoning district; updating the land development ordinance (including the design guidelines, lighting guidelines, signage guidelines, and watershed protection); updating the Development Impact Fee ordinance; working on updates to the zoning and land use maps; developing overlay districts for each village retail area; and adopting a partial plan update to the Comprehensive Plan, which identified various character areas that warranted further study. Rast pointed out that the full update to the Comprehensive Plan must be adopted by June 30, 2012.

DAPC member Todd Strickland discussed the Authority's collaboration with the Georgia Tech College of Architecture on a study of the village retail centers. The goal was to have a recommendation for the Comprehensive Plan task force and to come up with a vision to ensure the village center concept stayed viable. Richard Dagenhart, an architect and associate professor at Georgia Tech, would lead the student study, which would take place over five weeks during the fall semester and 15 weeks in the spring. Questions that would be considered during the study included whether the village retail centers were still viable, whether the concept of the village retail center was obsolete, whether the centers could be transformed to keep up with the changes in retailing, and whether there should be a new vision for the village retail center and its role in the City. The first five weeks would be a time for ideas that would be fleshed out during the 15 weeks in the spring. Strickland said there would be an open forum held in the City after the five-week period to give people a chance to look at the ideas and provide guidance. The Comprehensive Plan was vehicle that would ensure that the vision would be maintained.

Sturbaum said the DAPC was doing a good job. The study was critical to the village concept and let the store owners know that the City cared. It was important to protect what the City had.

Logsdon asked about the cost of the study. Plunkett noted that the DAPC was spending $6,000 from the current budget and $9,000 from its FY 2010 budget. Strickland verified that it was budgeted.

Richard Spain said that the plan for Braelinn Village sounded and looked good, but that a sense of community needed to be instilled in the surrounding neighborhoods. Strickland said they wanted to ensure the village center had what the potential patrons wanted. Marketing and proximity were important. Hollums added that they planned to talk with members of the homeowners associations in Braelinn Village and develop focus groups. The work had started with forming the business core group first.

09-09-02 Consider Ethics Resolution

Plunkett moved to adopt the ethics resolution (a requirement by the Georgia Municipal Association to be recertified as a City of Ethics). Boone seconded. The motion carried unanimously.

09-09-03 Consider Resolution to Call for Special Election for Post 1 and Establish Qualifying Fees

Sturbaum moved to approve the resolution calling for a special election for Post 1 (due to Council Member Haddix qualifying to run for Mayor) and establish qualifying fees. Boone seconded. The motion carried unanimously.

09-09-04 Consider Replacement for Patrol Vehicle P-52

Sturbaum moved to approve the replacement for Patrol Vehicle P-52 (Allan Vigil Ford for $21,860). Boone seconded. The motion carried unanimously.

Council/Staff Topics

Rast announced that the cameras being installed at intersections along SR 54 were not red light cameras. They were part of the Department of Transportation's (DOT) Fast Forward Traffic Signal Upgrade Project. Several intersections had been identified, including SR 54/Willowbend and SR 54/Northlake. The cameras would look at the cars queued at the lights so the DOT could work on the timing sequence at SR 54/SR 74. The cameras would help them work on what needed to be done at other intersections. There would also be more extensive signal work done in the City, but staff did not have a date.

Sturbaum moved to convene in executive session for pending or threatened litigation at 8:36 p.m. Boone seconded. The motion carried unanimously.

Boone moved to reconvene in regular session at 8:53 a.m. Sturbaum seconded. The motion carried unanimously.

There being no further business to discuss, Boone moved to adjourn the meeting. Sturbaum seconded. The motion carried unanimously. The meeting adjourned at 9:03 p.m.

Pamela Dufresne

Pamela Dufresne, Deputy City Clerk

Harold K Logsdon

Harold K. Logsdon, Mayor